

Support for the amendments to claim 1 can be found in the specification, for example, on page 4, lines 15-23; page 15, lines 20-23; page 16, lines 3-31; and originally filed claim 7. Claim 5 has been amended to correct a grammatical error. Support for new claims 33-50 can be found in the specification, for example, at page 4, lines 5-8, lines 15-23 and lines 25-26; page 15, lines 20-23; page 16, lines 3-31; page 19, lines 5-7 and lines 27-28; in Example 1, and the claims as originally filed. Applicants believe that these amendments introduce no new matter.

RESPONSE TO RESTRICTION REQUIREMENT

The Office action requires restriction under 35 U.S.C. §121 between:

Claims 1-9 and 32, drawn to a method of treating unwanted choroidal neovasculture in a mammal comprising administering an anti-angiogenesis factor, a photosensitizer and irradiating the choroidal neovasculture with laser light, allegedly classified in class 424, subclass 9.34 (Group I);

Claims 10-15 and 17-19, drawn to a method of treating unwanted choroidal neovasculture in a mammal comprising administering a photosensitizer comprising a peptide targeting moiety that binds to integrin α -v β -3, allegedly classified in class 424, subclass 9.34 and 193.1 (Group II);

Claims 10-15 and 17-19, drawn to a method of treating unwanted choroidal neovasculture in a mammal comprising administering a photosensitizer with a peptide targeting moiety that binds to integrin α -v β -5, allegedly classified in class 424, subclass 9.34 and 193.1 (Group III);

Claims 10-12, 14 and 16-19, drawn to a method of treating unwanted choroidal neovasculture in a mammal comprising administering a photosensitizer with an antibody targeting moiety that binds to a vascular endothelial growth factor receptor, allegedly classified in class 424, subclass 9.34 and 178.1 (Group IV); and

Claims 20-31, drawn to a method of treating unwanted choroidal neovascularity in a mammal comprising administering an apoptosis-modulating factor of, for example, SEQ ID NO:1, RGD-4C, a photosensitizer and irradiating the choroidal neovascularity with laser light, allegedly classified in class 424, subclass 9.34 and 185.1 (Group V).

In response to the requirement for restriction, Applicants hereby provisionally elect with traverse the claims of **Group I**, namely *claims 1-9 and 32*, for further examination. In addition, Applicants respectfully request reconsideration to recombine Groups II and III. Applicants submit that Groups II and III are directed towards methods of treating unwanted choroidal neovascularity using, among other things, a targeting moiety that binds integrin α -v β . Applicants believe that examination of claims 10-15 and 17-19 (corresponding to both Groups II and III) would not impose a serious burden on the Examiner. For example, Applicants submit that a search for targeting moieties that bind integrin α -v β would necessarily include both species of integrin, α -v β 3 (Group II) and α -v β 5 (Group III). Furthermore, both Groups II and III are allegedly classified in class 424, subclass 9.34 and 193.1. Accordingly, Applicants submit that a search of the relevant art for the claims of Group II necessarily will include a search of the art for the claims of Group III. Accordingly, Applicants respectfully request reconsideration and recombination of the claims in Groups II and III.

Election of Species within Group I

According to section 6 of the outstanding Office action, Applicants are required to elect (1) a specific disorder, (2) a specific anti-angiogenesis factor, and (3) a specific photosensitizer. Applicants provisionally elect with traverse (i) the disorder age-related macular degeneration, (ii) the anti-angiogenesis factor angiostatin, and (iii) the photosensitizer lutetium texaphyrin or Lu-TeX.

Applicants believe that the claims that read on the elected disorder of age-related macular degeneration include claims 1-6, 8, 9, and 32-50. Applicants believe that the claims that read on the elected anti-angiogenesis factor of angiostatin include claims 1-6, 8, 9, and 32-50.

Applicants believe that the claims that read on the elected photosensitizer of lutetium texaphyrin include claims 1-6, 8, 9, and 32-50.

Applicants understand that upon allowance of generic claims corresponding to the elected species, Applicants may claim additional species as provided by 37 C.F.R. § 1.141 and as set forth in M.P.E.P § 806.04 (h). Accordingly, Applicants respectfully request that claims directed to the species be allowed if they correspond to one or more allowed generic claims.

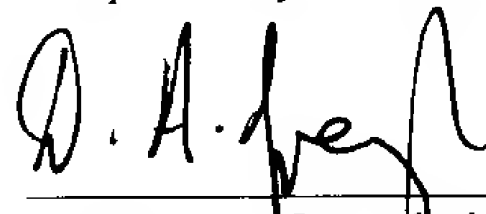
CONCLUSION

Upon entry of this paper, claims 1-6, 8, 9, and 32-50 will be pending in this application. These claims have been included in the Applicants response to the requirement for restriction. Early favorable action is respectfully solicited.

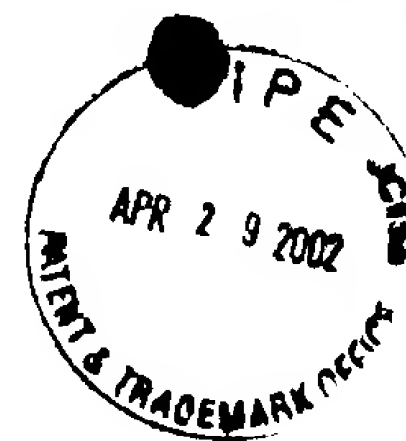
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MARKED -UP VERSION OF CLAIMS SHOWING AMENDMENTS

1. (Amended) A method of treating unwanted choroidal neovascularity [in a mammal, the choroidal neovascularity] comprising endothelial cells in a mammal, the method comprising the steps of:
 - (a) administering to the mammal an anti-angiogenesis factor selected from the group consisting of angiostatin, endostatin, a peptide containing a RGD tripeptide sequence that binds α -v β 3 integrin, an antibody that binds α -v β 3 integrin, a COX-2 inhibitor, a molecule that binds vascular endothelial growth factor receptor, a molecule that binds epidermal growth factor receptor, a molecule that binds vascular endothelial growth factor, a tyrosine kinase inhibitor, and a pigment epithelium derived growth factor, in an amount sufficient to permit an effective amount to localize in the choroidal neovascularity;
 - (b) administering to the mammal an amount of photosensitizer sufficient to permit an effective amount to localize in the choroidal neovascularity; and
 - (c) irradiating the choroidal neovascularity with laser light such that the light is absorbed by the photosensitizer so as to occlude the choroidal neovascularity, wherein damage to the endothelial cells resulting from steps (a), (b), and (c) is greater than that resulting only from steps (b) and (c).

5. (Amended) The method of claim 1, wherein the photosensitizer is an amino acid derivative [derivatives], an azo dye, a xanthene derivative, a chlorin, a tetrapyrrole derivative, or a phthalocyanine.